



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,820	04/12/2001	Takahiko Saito		5300

7590

07/11/2003

Jay H. Maioli
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

GRAY, DAVID M

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,820

Applicant(s)

SAITO ET AL.

Examiner

David M Gray

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/026,415.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Priority

1. Applicant's substitute specification filed May 24, 2003 contains the text: "This is a continuation-in-part application of pending application Serial No. 08/329,546 ... Serial No. 08/026,415 filed March 4, 1993, now abandoned." Therefor the amendment filed 4/12/2002 inserting the continuity data is incorrect in that it repeats these two applications. And it is incorrect, as the continuity data needs to be updated. Applicant states "the continuity data has been amended to list the patent numbers for the applications that have matured into patents" but no such amendment can be found.

Specification

5. The substitute specification filed May 24, 2003 has been approved.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32-56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wash (4,974,096) and European Patent Application 0 428 072 A2 ('072 hereafter).

8. Applicant has amended the claims to recite "a micro-computer for controlling the image transforming device, the film feed device, a processing circuit, and a magnetic recording device according to the detected hole, wherein the processing circuit transforms the picture data into one of bit-map data, GIF type data, TIFF type data, and JPEG type data, and the magnetic recording device records a size or aspect ratio of prints, a number of prints, and a size of paper selected by

Art Unit: 2851

user.” Applicant argues Wash “is silent about transforming the picture data into one of bit-type [sic] data, GIF type data, TIFF type data, and JPEG type data.” The examiner cannot agree.

Wash clearly discloses that the film is scanned by sensor 1006 generates a signal from which a video signal generator 1008 produces a still video signal, column 13, lines 25-46. And Wash states video signal processing circuits of the well-known type for altering the still video signal derived from that film frame so as to zoom, crop, rotate or fade the signal, column 5, lines 6-9.

9. While Wash does not specifically refer to the format of the “still video signal”, it appears that the “still video signal” referred to by Wash is a standard format digital image signal which is operated on by the image processing circuitry of the video signal processor. The claimed image formats are the well-known standard digital image signal formats for storing and displaying a still video image signal. Further it is well known to perform image processing on images stored in these standard formats.

10. Even if the “still video signal” disclosed by Wash is not stored in the claimed format it would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to store the “still video signal” in the claimed format. One would have been motivated to so store the image signal in order to use a standard desktop computer and readily available image processing software to perform the video signal processing.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kim reference is cited for its disclosure “standardized technique for digital video compression, e.g., adopted by the Joint Photographic Experts Group (JPEG) with respect to still video signal coding.”

Art Unit: 2851

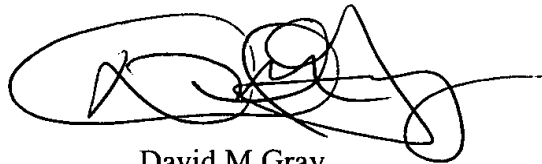
12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 703-308-1698. The examiner can normally be reached on M-T & T-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read 'David M Gray', with a horizontal line extending to the right.

David M Gray
Primary Examiner
Art Unit 2851

June 11, 2003